

## **REMARKS**

This amendment is being filed in response to the Office Action mailed on May 2, 2007. Applicant hereby requests a three-month extension of time and encloses the corresponding fee. If any further extension or fee may be required for consideration of this amendment, such is hereby requested. Please charge any deficit or credit any surplus to Deposit Account No. 01-1960.

The application was filed with original Claims 1-32. Applicant has amended Claims 1, 3, 6, 8, 9, 10, 12, 13, 15, and 17, and has cancelled claims 2, 4, 5, 11, 14, and 18-32, such that Claims 1, 3, 6-10, 12, 13, and 15-17 are now pending. Applicant respectfully requests reconsideration of the pending claims based on the above amendments and the following remarks.

### **Preliminary Matters**

Applicant has endeavored to resolve the drawing objections by simply deleting the claim elements that the Office Action submits are not shown in the drawings.

In light of the Section 112 concerns, Applicant has amended Claim 1 to recite three compartments rather than "three or more," it being understood, of course, that a bag with more than three compartments may still meet the claims..

### Generally

In a preferred embodiment, the invention is generally directed to a utility bag that has three compartments, including a lower compartment, a middle compartment, and an upper compartment. *The upper compartment includes a lid portion and a central handle which, as further explained below, is used for both carrying the overall bag when it is in a vertically stacked/closed position **and** for moving the three compartments into a horizontally unfolded/opened position in one step:*

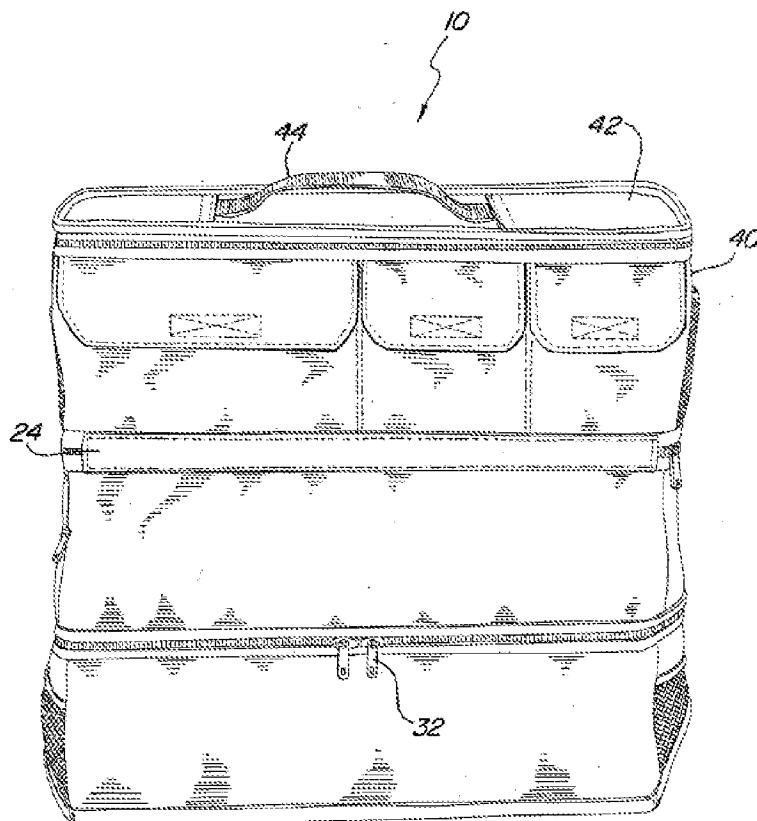
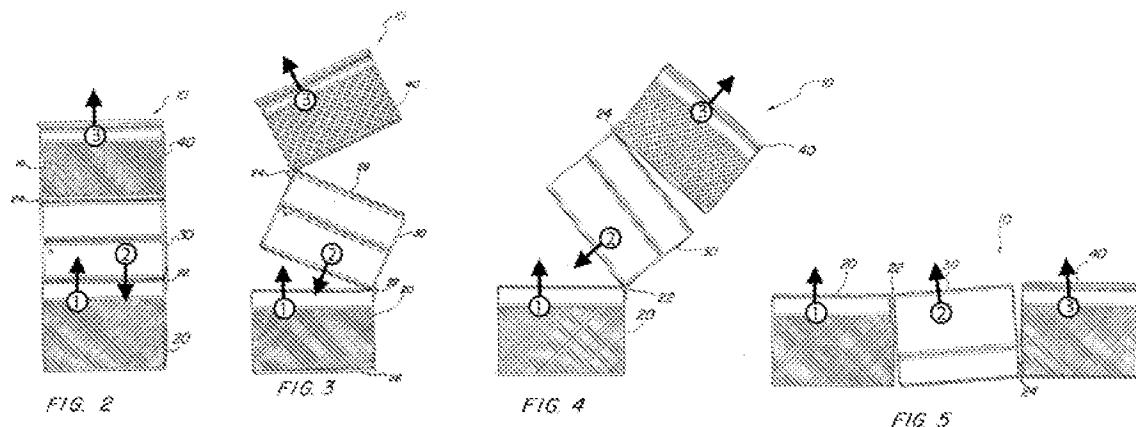


FIG. 7

In fact, by way of the central handle 44, the utility bag shown above can uniquely be both carried and, when desired, opened from a stacked position into an unfolded position in one top-to-bottom-down motion. This unique arrangement is illustrated by Figures 2 through 5, which are reproduced here with arrows illustrating the open side of each of the three compartments added for emphasis:



As shown above in Figure 2, the overall utility bag 10 is closed with the three compartments 20, 30, 40 in a stacked arrangement. As shown, the relative position of the first and second compartments 20, 30 is such that the first compartment's opening faces upward, but the second compartment's opening is facing downward. In addition, the first and second articulation segments 22, 24 located between the first and second compartments and between the second and third compartments, respectively, are on opposite sides of the utility bag (best shown in Figure 3 above). Because of this unique construction, after the zippers or other fasteners are undone, the applicant's bag may be unfolded in one step with the relative position of the first and second compartments changing

such the openings to all three compartments are conveniently directed face up in the unfolded position (as shown in Figure 5 above).

Applicant has amended Claim 1 to specifically recite the lid portion on the upper compartment and its central handle.

The Office Action rejects independent Claim 1 under Section 102(b) as anticipated by Tong ( 20020148743), under Section 102(b) as anticipated by Bernbaum et al. 6644448), and under Section 103(a) as obvious over Scicluna et al. (20040108179) . Applicant has carefully amended Claim 1 and respectfully traverses based on those amendments and the following remarks.

Tong has three compartments, but the Tong design “swings outward” into a side opening on the top compartment and it takes multiple openings to get the three compartments open – not one step. Tong does not teach articulated portions on opposite sides of the bag as claimed, and does not teach or suggest a top compartment with a central handle as claimed.

Bernbaum shows one bag having three compartments (e.g. Figure 21), but notably absent is any teaching of a central handle on the lid portion (not numbered) of the upper compartment 716. In fact, the Bernbaum bag is obviously designed to be carried or rolled at right angles to the opened positions of the compartment.

Scicluna, like Bernbaum, shows one bag having three compartments (see e.g. Fig.5). Like Bernbaum, though, Scicluna does not teach or suggest a handle on the lid portion of any of its compartments. Instead, Scicluna simply shows a handle 24 on a end wall of the middle compartment 14,

or a an extendable handle 22 located on the side wall of an adjacent compartment 12.

Applicant respectfully submits that the dependent claims are allowable by virtue of their dependence from allowable Claim 1 and based on the fact that they add further patentable subject matter.

Based on the above amendments and accompanying remarks, Applicant respectfully submits that Claims 1, 3, 6-10, 12, 13, and 15-17 are in patentable condition and earnestly solicits a timely Notice of Allowance. Applicant encourages the Examiner to telephone the undersigned attorney if it appears that a telephone conference would further this case in any way.

Respectfully submitted,

/joseph c andras/ (signed 11/02/07)  
Joseph C. Andras  
Registration No. 33,469  
Myers, Dawes Andras & Sherman LLP  
19900 MacArthur Boulevard, Suite 1150  
Irvine, CA 92612  
(949) 223-9600